

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CB DISTRIBUTORS, INC.,

Plaintiff,

V.

MICHELE LEONHART, solely in her official capacity as Administrator of the United States Drug Enforcement Administration; and UNITED STATES DRUG ENFORCEMENT ADMINISTRATION,

Defendants.

Case Number 09-cv-0402-bbc

**DECLARATION OF MEGAN MCDERMOTT
IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION
FOR A WRIT OF MANDAMUS AND PRELIMINARY INJUNCTION**

I, Megan McDermott, hereby declare and state as follows:

1. I am the Assistant United States Attorney assigned to defend this matter.
2. On June 30, 2009, this office received a copy of the summons and complaint in the above action, together with a "Notice of Lawsuit and Request to Waive Service of Summons." A true and correct copy of this Notice is attached as Exhibit B.
3. Our office is not authorized to waive service of process on the Attorney General.

4. On the morning of July 9, 2009, I checked with the Department of Justice in Washington D.C. to determine whether the Attorney General has been served. I was told that there is no record of service yet.

I declare, under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 9th day of July, 2009, in Madison, Wisconsin.

/s/ Megan McDermott

Megan McDermott